

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re JONES SODA COMPANY  
SECURITIES LITIGATION

Case No. C07-1366RSL

This order related to: All Actions

ORDER APPOINTING LEAD  
PLAINTIFF AND LEAD COUNSEL

This matter comes before the Court on the motion of the Burrell Group for it, or some subset thereof, to be appointed as lead plaintiff in these consolidated proceedings. The Court previously denied the motions of three other plaintiff groups to be appointed lead plaintiff. (Dkt. #41, the “prior order”). The Court held a hearing on March 5, 2008 regarding whether to appoint the Burrell Group, or some subset thereof, as lead plaintiff, and regarding the appointment of lead counsel. Having reviewed the competing motions for appointment as lead plaintiff, the supplemental memoranda filed, and the remainder of the record, having considered the arguments of counsel in open court on March 5, 2008, and having made certain oral findings on the record which are hereby incorporated, the Court finds as follows:

ORDER APPOINTING LEAD  
PLAINTIFF AND LEAD COUNSEL - 1

1 The Court finds that Robert Burrell is the most adequate lead plaintiff to prosecute  
2 the consolidated action. His alleged losses are significantly greater than the losses  
3 suffered by any of the other proposed lead plaintiffs or groups. He also satisfies the  
4 requirements of Rule 23. For these reasons and for the reasons set forth in the prior  
5 order, the Court finds that Robert Burrell satisfies the requirements of 15 U.S.C. § 78u-  
6 4(a)(3)(B). There is no evidence that he will not fairly and adequately protect the  
7 interests of the class, or is subject to unique defenses that render him incapable of  
8 adequately representing the class. Robert Burrell is appointed lead plaintiff in this  
9 consolidated action.

10 Pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v), Robert Burrell has selected the law  
11 firm of Hagens Berman Sobol Shapiro LLP as lead counsel. That selection is hereby  
12 approved.

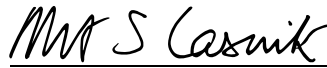
13 Lead counsel shall have authority to speak for plaintiffs in matters regarding  
14 pretrial and trial procedure and settlement negotiations, and shall make all work  
15 assignments in such manner as to facilitate the orderly and efficient prosecution of this  
16 litigation and to avoid duplicative or unproductive effort. Lead counsel shall also be  
17 available and solely responsible for communications to and from the Court and shall  
18 coordinate the activities of plaintiffs and plaintiffs' counsel in the conduct of the  
19 consolidated action. Defendants' counsel may rely upon all agreements made with lead  
20 counsel, or their duly authorized representatives, and such agreements shall be binding on  
21 plaintiffs.

22 Lead counsel shall be responsible for coordination of all activities and appearances  
23 on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No  
24 motion, request for discovery or other pretrial proceedings shall be initiated or filed by  
25

1 plaintiffs except through lead counsel

2 For all of the foregoing reasons, the Court GRANTS Robert Burrell's motion to be  
3 appointed as lead plaintiff and to approve his selection of Hagens Berman as Lead  
4 Counsel (Dkt. #18).

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6 DATED this 5th day of March, 2008.

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9 Robert S. Lasnik  
10 United States District Judge  
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